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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,341	11/14/2001	Hung-Liang Chiu	1007-018	4948

22898 7590 08/23/2005

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EXAMINER

MCALLISTER, STEVEN B

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/004,341

Applicant(s)

CHIU ET AL.

Examiner

Steven B. McAllister

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 8-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election of Group I, claims 1-7, in the reply filed on 6/14/2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Objections

Claim 2 is objected to because of the following informalities: the claim recites "a total quantity of material"; but it is not clear whether this means a total quantity of material in inventory at the supplier, a total amount received, a total amount in inventory at one of the factories, etc. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is indefinite because "identification" in line 5 is unclear. It is unclear to what the term refers (which supplier, which order, which material, etc.).

Claim Rejections - 35 USC § 103

Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by or under 35 U.S.C. 103(a) as being unpatentable over Katz et al (2003/0033179).

Katz et al show measuring quality of a plurality of materials from a plurality of manufacturers since it shows providing quality information regarding a plurality of materials and suppliers (e.g., par. 0041, 0042); and storing the quality data in a database including a supplier name, type of material; quantities received, and quantities rejected (e.g., see cl. 88); and determining from a supplier identification and material type at a second factory the quality of the type of material (see e.g., real time search function as in par. 0055, and sharing data among factories within an enterprise as in par. 0039).

Alternatively, Katz et al show measuring quality of a plurality of materials from a plurality of manufacturers since it shows providing quality information regarding a plurality of materials and suppliers (e.g., par. 0041, 0042); and storing the quality data in a database including a supplier name, type of material; and quantities received; and determining from a supplier identification and material type at a second factory the quality of the type of material (see e.g., real time search function as in par. 0055, and sharing data among factories within an enterprise as in par. 0039). However, it is notoriously old and well known in the art to maintain information regarding rejected materials. It would have been obvious to one of ordinary skill in the art to modify the

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method of Katz et al by doing so in order to provide insight into which lots are unacceptable.

As to claim 3, it is noted that Katz et al show all elements of the claim including an automatic alert upon quality for a supplier falling below a predetermined level (as in cl. 88).

As to claims 2 and 4, Katz et al show all elements of the claims except the particular data presented to the user. However, to present the data claimed is notoriously old and well known in the art. It would have been obvious to one of ordinary skill in the art to show such data in order to fully provide a full picture of the quality of the material. (It is noted regarding claim 4 that Katz et al show presenting data in a table as in par. 0051).

As to claim 5, Katz et al show show that the supplier data continues for a period of time to provide quality data is determined over a period of time.

As to claim 6, Katz et al show all elements of the claim except measuring a sample of the material from the supplier and determining whether to accept the material based on the test of the sample. However, to do so is notoriously old and well known in the art. For instance, it is well known to perform destructive evaluation on a statistical sampling of a lot of fasteners, and determine whether to accept the lot based on the results. It would have been obvious to one of ordinary skill in the art to modify the method of Katz et al by doing so in order to determine within a statistical probability that whether the lot is acceptable with a minimum of expense.

As to claim 7, it is noted that the Katz et al show the internet.

Response to Arguments

Applicant's arguments filed 2/7/2005 have been fully considered but they are not persuasive.

Applicant argues that Katz deals with a higher level system that does not deal with quality determined after purchase. It is first noted that the examiner believes that this limitation is not claimed. While it is claimed that quality is determined for materials, it not claimed by whom or when.

Also, the examiner respectfully disagrees that the reference does not contemplate quality after purchase. For instance quality measurands of products and manufacturers are stored and used in the system. Also claim 88 shows that alerts are issued when received material is determined to be of unacceptable quality and rejected.

Applicant also argues that the reference does not show determining whether to accept an order based on supplier's previous performance. Again, the examiner respectfully believes that this is not claimed, and even if it were claimed that the reference shows the limitation, as discussed above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

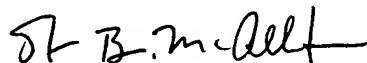
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is 571-272-6785. The examiner can normally be reached on M-Th 8-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Steven B. McAllister

Steven B. McAllister
Primary Examiner
Art Unit 3627

STEVE B. MCALLISTER
PRIMARY EXAMINER